the constitution of an Advisory Board to help the Registrar" may be added. In clause 47 sub-clause (4) there is a reference to an advisory board to help the Registrar. But no provision is made for the rules constituting an advisory board I move, therefore that this amendment may be accepted.

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment. But the honourable member is quite correct in saying that in clause 47 it is provided that an advisory board may be prescribed. The provision is this :—

> "Before taking action under sub-section (1) in respect of any society, the Registrar shall in the prescribed manner consult such body of persons, if any, as may be prescribed by Our Government, in that behalf, regarding the action and regarding such other matters as may be prescribed".

It will be seen, from the definition clause that "prescribed" means rules prescribed by Government under this Regulation. It will also be seen that clause 74 (*e e.*) enables the making of rules to "provide for all matters expressly required or allowed by this Regulation to be prescribed as Rules". So then the requisite provision is there already.

The amendment was put to the vote of the House and lost.

The question that clause 74 do stand part of the Bill was put to the vote of the House and carried.

The clause was added to the Bill.

The question that clause 75 do stand part of the Bill was put to the vote of the House and carried.

The clause was added to the Bill.

PREAMBLE AND TITLE.

The question that the Preamble and the Title do stand part of the Bill was then put to the vote of the House and carried.

The Preamble and Title were added to the Bill.

Mr. Kayalam Paramesvaran Pillai: I now beg to move that the Travancore Co-operative Societies Bill be passed.

Mr. M. Govinda Pillai: I second it.

The motion was carried.

THE TRAVANCORE TRADE UNIONS BILL.

Mr. Kayalam Paramesvaran Pillai: I beg to move that the Travancore Trade Unions Bill, as passed by the Assembly, be taken up for consideration.

Mr. M. Govinda Pillai: I second it.

The motion was put to the vote of the House and carried.

Clauses 1 to 13.

The question that clauses 1 to 13 do stand part of the Bill was put to the vote of the House and carried.

The clauses were added to the Bill.

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Clause 14.

Mr. A. N. Visvanatha Pillai (*Quilon cum Kunnagapalli*): സർ, ഈ ബില്ലിന്റെ പുരോഗതിയിൽ ഏതെങ്കിലും പ്രതിബന്ധമുണ്ടാക്കുന്നതിനായിട്ടല്ല ഞാൻ ഈ ഘട്ടത്തിൽ ഈ ഭേദഗതി അവതരിപ്പിക്കുന്നതെന്നു ആദ്യമായി വിശദമാക്കികൊള്ളട്ടെ. തൊഴിലാളികളുടെ സ്വാതന്ത്ര്യവും അവരുടെ അവകാശങ്ങളും സംരക്ഷിക്കുന്നതിനായി അവതരിപ്പിക്കപ്പെട്ടിരിക്കുന്ന ഈ ബിൽ ഇതേപടി പാസാക്കുന്ന പക്ഷം അവർ ഇപ്പോൾ അനുഭവിച്ചുകൊണ്ടിരിക്കുന്ന ചില അവകാശങ്ങളും സ്വാതന്ത്ര്യങ്ങളും അവക്കു നഷ്ടമാകുന്നതിനെ തടയുന്നതിനുവേണ്ടിയാണു് ഞാൻ ഈ ഭേദഗതി കൊണ്ടുവരുന്നതു: ആദ്യം ഈ ബിൽ അവതരിപ്പിച്ചപ്പോൾ അതിന്റെ "ഉദ്ദേശവും കാരണങ്ങളും" ആയി പറഞ്ഞിട്ടുള്ളതു ഇതു് വെറും ഒരു 'അനുവാദക' ബിൽ ആണെന്നാണു. എന്നാൽ ഇപ്പോഴാകട്ടെ, ബില്ലിൽ എല്ലാ ട്രയിഡ് യൂണിയനും നിർബന്ധിതമായി രജിസ്റ്റർ ചെയ്യണമെന്നും അങ്ങനെ ചെയ്യാതെ പ്രവർത്തിക്കുന്നവരെ ശിക്ഷിക്കുന്നതാണെന്നും പറഞ്ഞിരിക്കുന്നു. ഈ വകുപ്പു് തൊഴിലാളികൾ ഇപ്പോൾ അനുഭവിച്ചുകൊണ്ടിരിക്കുന്ന സ്വാതന്ത്ര്യത്തെ ഹനിക്കുന്ന ഒരു വകുപ്പാണു്. അതിനാൽ, ഇപ്പോൾ അവർ അനുഭവിക്കുന്ന സ്വാതന്ത്ര്യങ്ങൾ മേലിലും ഉണ്ടായിരിക്കത്തക്ക രീതിയിൽ ഈ ബില്ലിന്റെ ഫ൪ാം വകുപ്പു് (൨)-ാം ഉപവകുപ്പു എടുത്തു കളയണമെന്നുള്ളതാണു് എന്റെ ഭേദഗതി. ബ്രിട്ടീഷിൻഡ്യയിലെ നിയമത്തെ അനുകരിച്ചാണു് ഈ നിയമവും ഉണ്ടാക്കിയിരിക്കുന്നതെന്നു പറയുകയുണ്ടായി. എന്നാൽ അവിടത്തെ ബില്ലിൽ ഇപ്രകാരം തൊഴിലാളികളുടെ സ്വാതന്ത്ര്യത്തെ ഹനിക്കുന്ന തരത്തിലുള്ള ഒരു വകുപ്പേ ഇല്ല. തിരുവിതാംകൂർ ഫെഡറേഷനിൽ ചേരാൻ ആലോചിച്ചുകൊണ്ടിരിക്കുന്ന ഈ സന്ദർഭത്തിൽ ഇവിടത്തെ നിയമങ്ങളെല്ലാം ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ നിയമങ്ങളോടു് തുല്യമായിരിക്കേണ്ടതാണു്. അങ്ങനെ ഇവിടത്തെ നിയമങ്ങൾ ബ്രിട്ടീഷ് ഇൻഡ്യൻ നിയമങ്ങളെപ്പോലെ ആക്കിത്തീർക്കുവാൻ ശ്രമം നടന്നു കൊണ്ടിരിക്കുന്ന ഈ സന്ദർഭത്തിൽ ഇപ്രകാരം അവിടത്തെ നിയമത്തിൽനിന്നും വ്യത്യാസമായ ഒരു നിയമം ഇവിടെ നിർമ്മിക്കുന്നതിനെപ്പറ്റിയും നാം ആലോചിക്കേണ്ടതാണു്. ബ്രിട്ടീഷ് ഇൻഡ്യയിലെന്നല്ല, ലോകത്തിലെവിടെയെങ്കിലും ഇപ്രകാരം രജിസ്റ്റർ ചെയ്യാത്ത ട്രയിഡ് യൂണിയനുകളുടെ സ്വാതന്ത്ര്യത്തെ തടയുന്ന ഒരു നിയമം ഉണ്ടായിട്ടുണ്ടോയെന്നു ഞാൻ ചോദിച്ചുകൊള്ളട്ടെ. ഈ

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ബിൽ കൊണ്ടുദ്ദേശിക്കപ്പെട്ടിട്ടുള്ളത് മുതലാളികളും തൊഴിലാളികളും തമ്മിലുള്ള തർക്കങ്ങളെ തീർക്കുക മാത്രമല്ല; തൊഴിലാളികളുടെ പല അവശതകളും പരിഹരിക്കുന്നതിനും അവർക്കു പല നന്മകളും പ്രദാനം ചെയ്യുന്നതിനുംകൂടി ആണ് ഈ ബിൽ അവതരിപ്പിക്കപ്പെട്ടിട്ടുള്ളത്. ഉദാഹരണമായി, വിദ്യാഭ്യാസം, ഇൻഷുറൻസ്, മരിക്കുന്നവരുടെ ശവദാഹം മുതലായി പല സംരക്ഷക പരിപാടികളും, ഈ ബിൽകൊണ്ടു അവർക്കു ലഭിക്കുന്നതാണ്. ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ ഫാക്ടറി-കൾ ആണ് ട്രേഡ് യൂണിയൻബില്ലു പാസായത്. അതിനുശേഷം അവിടെയുണ്ടായ സംഘങ്ങളിൽ വളരെ എണ്ണമൊഴിച്ചു ബാക്കിയുള്ളവയെല്ലാം രജിസ്റ്റർ ചെയ്യാത്ത സംഘങ്ങളാണെന്നു വിറ്റിലിക്കമ്മിഷൻ പറയുന്നു. ഈ രാജ്യത്തു് സാമുദായികമായും സാമ്പത്തികമായും രാഷ്ട്രീയമായും പല സംഘങ്ങളും നിലവിൽ ഇരിക്കുന്നുണ്ടു്. അവയെല്ലാം രജിസ്റ്റർ ചെയ്യാതെതന്നെ പ്രവർത്തിക്കുന്നതിനു് സ്വാതന്ത്ര്യം ഉള്ളപ്പോൾ തൊഴിലാളികളുടെ ഈ സംഘം മാത്രം എന്തിനായി രജിസ്റ്റർ ചെയ്യുവാൻ നിർബന്ധിക്കുന്നുവെന്നു് എനിക്കു മനസ്സിലാകുന്നില്ല. തന്നെയുമല്ല, മൂന്നു മാസത്തിനകം രജിസ്റ്റർ ചെയ്യാതിരിക്കുന്ന സംഘങ്ങളിൽ നിന്നും ഭീമമായ സംഖ്യ പിഴ ഈടാക്കുന്നതുമാണു്. ഇതു് ഇപ്പോൾ പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുന്ന ട്രേഡ് യൂണിയൻസിന്റെ സ്വാതന്ത്ര്യത്തെ ഹനിക്കുന്നതാണെന്നു കാണാവുന്നതാണു്. ഇപ്രകാരം രജിസ്റ്റർ ചെയ്യാതെ നടത്തപ്പെടുന്ന സംഘങ്ങളുടെ സർട്ടിഫിക്കറ്റു് ക്യാൻസൽ ചെയ്യുന്നതിനുള്ള അധികാരം പോലും രജിസ്ട്രാക്കുണ്ടു്. ഇത്ര വിപുലമായ ഒരധികാരം ഒരിക്കലും രജിസ്ട്രാക്കു കൊടുക്കാൻ പാടില്ലാത്തതാണു്. ആ അധികാരം വിനിയോഗത്തിൽ ചിലപ്പോൾ സംഘങ്ങൾ നടത്താൻ തന്നെയും നിവൃത്തിയില്ലാതെ വരാം. രജിസ്ട്രാരുടെ തീരുമാനം അവസാനവുമാണു്. അതിന്മേൽ അപ്പീൽ കൊടുക്കുവാൻപോലും നിവർത്തിയില്ല. ഈ ബിൽ പാസാകുന്ന പക്ഷം ഒരു സംഘം ഒരു സ്ഥലത്തു രജിസ്റ്റർ ചെയ്തു കഴിഞ്ഞാൽ ആ സ്ഥലത്തു മറ്റൊരു സംഘം രജിസ്റ്റർ ചെയ്യാൻ പാടില്ല. തൊഴിലാളികളുടെ പേരിൽ മുതലാളിമാർ തന്നെ ഒരു സംഘം ഒരു സ്ഥലത്തു് സ്ഥാപിച്ചു എന്നു വന്നേക്കാം പിന്നീടു്, തൊഴിലാളികൾ തന്നെ ഒരു സംഘസ്ഥാപനത്തിനായപേക്ഷിക്കപ്പെടുമ്പോൾ അതൊരു തടസ്സമായി പരിണമിക്കുന്നതാണു്. ഈ വക കാരണങ്ങളാൽ ഈ ബില്ലിലെ ക്ലാസ്-൩ വകുപ്പിന്റെ ക്ലാസ്-൨ ഉപവകുപ്പു് എടുത്തുകളയേണ്ടതാണു്. അതിലേയ്ക്കു് എല്ലാ മെമ്പറന്മാരുടേയും ശ്രദ്ധയെ ക്ഷണിച്ചുകൊണ്ടു ഞാൻ വിരമിക്കുന്നു.

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Mr. E. P. Varghese: I support the amendment moved by my friend Mr. Visvanatha Pillai. The bill, when it was introduced was proposed to be permissive. In the objects and reasons it is definitely stated that the legal position of trade unions which do not register, whatever it is, will be unaffected by this measure. In other words, the measure is purely permissive. But in view of the important previleges and immunities conferred upon registered trade unions by this measure and in view of the disabilities under which unregistered trade unions may labour, all Trade Unions will find it to their advantage to register themselves under this measure in spite of certain obligations imposed upon them by reason of such registration. And it was also stated in the objects and reasons "essential objects of this Bill is to safegua d the right of industrial combination whether for the purpose of improving the wages or conditions of labour or of increasing the profits of capital".

It has also been stated that the essential purpose of the Bill is "to safeguard the right of industrial combination". It has been with this definite object that the Bill has been introduced. But when it passed through the Select Committee, we find that an important amendment has been brought about, with the result that registration of Trade Unions has been made compulsory. That is the clause which is now sought to be deleted. Section 14 Clause (2) says —

"No trade union shall be formed or shall function, unless it is registered under the provisions of this Regulation".

This is a provision which is detrimental to the interests of the trade unions, and the labourers who form those trade unions. It has been stated by the Whitley Commission that this right of combination is one of the most effective safeguards that labourers possess against exploitation by capitalists.

This right of combination is sought to be penalised at the very initial stage, because sub-clause 2 says that no trade union shall be formed or shall function unless it is registered under the provisions of this Regulation. Even the very formation of it is penalised. The provison says that it may function for a period of three months without registration; but that is only with regard to existing trade unions. Considering the conditions of labour in Travancore, I do not think that there is any necessity for compulsory registration. When we compare it with what obtains in British India we find that there is absolutely no reason why there should be compulsory registration of trade unions here. Even the British Indian Act, on which this bill is purported to be based, does not contain such a provision. In the discussions on the Indian Trade Union Act, we find that some members sought for an extension of

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the privileges of the registered trade unions to the unregistered trade unions too. They even wanted to go to that extent, but it did not succeed. What our Regulation purports is to restrict the power of combination which labourers possess now.

I have been trying to find out what the chief argument in favour of registration of trade unions is. I find that there is some suspicion that funds would be collected and misappropriated, if such a restriction is not enforced. There are only very few trade unions now in this country and at the very initial stage we are introducing compulsory registration I think that will be detrimental to the growth of trade unions and will undermine the very purpose of this legislation because this legislation is primarily meant to confer certain privileges and immunities on the trade unions formed by labourers and employers. It is primarily meant to enlarge their rights and privileges so that it does not appeal to me that so much of restriction should be placed even on its very formation If there is any fear that its funds would be misappropriated there is ample provision, when it applies for registration, to call for its accounts as provided in clause 5 (2).

> "Where a irade union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the trade union prepared in such form and 5ontaining such particulars as may be prescribed."

And section 7 says—

> "The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of Section 5 of that the trade union is entitled to Registration under Section 6 and may refuse to register the Trade Union until such information is supplied".

Our trade unions have not advanced to such a stage as to collect large funds, as we find in the case of British Indian Trade Unions. In spite of the fact that they are able to collect very large funds and utilise them for various purposes, there is no provision in the British Indian Act compelling the trade unions to register. On the other hand, here it is penalised. If a union functions without being registered, it may have to pay a penalty of Rs. 500. This is very hard especially because it is in the interests of labour that we seek to legislate. Government have introduced four bills on this matter ; but somehow we are only dealing with one of them. It would have been better to have all the bills taken together. Anyhow, it is not for the purpose of obstructing or to see that the bill is not passed but because it is in the interests of labour, in whose interests Government also seem to have brought in this Bill, that this amendment is proposed.

Mr. S. Piraviperumal Pillai: May I know how registration is against the interests of labour ?

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Mr. E. P. Varghese: When a trade union cannot function or even be formed without being registered you will find that in our country where trade unions are in its very infancy trade unions may not flourish. Labourers may not have the encouragement to undertake all these liabilities and restrictions.

Mr. M. Govindan. May I know whether any money payment has to be made for registration?

Mr. E. P. Varghese: There is a provision that a fee may be levied. The only argument which I have found is that there is likelihood of misappropriation. But, as I submitted, labour is not very much advanced in our country so that one may not be very much afraid that there will be collection of funds on a large scale. There are various associations formed here, but do we compel them to get registered? These associations also collect large sums of money and utilise them.

Mr. Komilezhuthu Sankaran (*Nominated*): May I know whether, instead of deleting the whole, the member will be satisfied with the words "no trade unions shall be formed"?

Mr. E. P. Varghese. No; because that will not serve the purpose. If a trade union is formed it should function. We do not legislate for dead trade unions which do not function. The whole purpose of the union is carried out when it functions; and unless it functions there is no use of formation. But what I was saying is that even the very formation is penalised here. We do not find a parallel anywhere else. Labour associations which are now in existence have all protested against this measure.

Mr. S. Piraviperumal Pillai: May I know what exactly is the difficulty?

Mr. E. P. Varghese: In the matter of legislation it brings upon the unions certain liabilities and also puts the Unions under restrictions. Labourers form themselves into an association to safeguard their rights and privileges, and if you ask them to get themselves registered, it may not serve their purpose. They may not be able to get the union registered under this Regulation. The Registrar may take them to task, and the safe-guarding of their interests will be prevented.

Mr. S. Piraviperumal Pillai: Does not the member realise that the poor labourers will be exploited, if unions are not registered?

Mr. E. P. Varghese: No, because the union is expected to protect their interests. If you want to bring in restrictions at the very outset, they will not be able to form at all. Many associations may cease to exist.

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Mr. S. Piraviperumal Pillai : Does not the member feel that if the union is not registered, sham unions will be formed to exploit labourers?

Mr. E. P. Varghese: As the Whitley Commission has remarked, it is to safeguard themselves against the exploitation, that we are giving the right and freedom of combination ; and, if you restrict such combination even at the initial stage, that will give greater room for capitalists to exploit them. It is easier for capitalists to form trade unions than the poor labourers. Labourers, if they are not allowed to form unions, will be put to great hardship, and the capitalists will have their free play. I do not find what is the necessity to register. It is better to have registration voluntary. An association may or may not register itself. If it is registered, it will have certain privileges and immuities. If they want to enjoy them, they will surely come in for registration. But to penalise a Union, because it is not re-registered, is going a bit too far, especially under the conditions prevailing here.

If they want to enjoy the privileges, they will register themselves. If they do not want to enjoy, why should they be punished? In the objects and reasons to the Bill, it has been stated that they will be attracted to register themselves. If they do not register themselves, why should you penalise them? Make this a permissive legislation. That is my request to the House. The House should consider the interests of labour. Labour is not represented in this House. Therefore, any amount of care bestowed will not be too much. There is no special advocate of labour here.

Mr. Eric Hall (*Travancore Planters*) : It has been stated that there is no representative or advocate of labour in this House. I represent employers of about 2 lakhs of Indians, and I am here on behalf of those 2 lakhs of Indians.

President : The honourable member is only entitled to make a personal explanation just now, and not a speech.

Mr. Eric Hall : I consider that registration is necessary.

President : Order, order. You can speak in your turn, Mr. Hall.

Mr. E. P. Varghese: I did not catch what my friend was saying.

President : He was saying that he represents labour in a very real sense.

Mr. E. P. Varghese : I think he is the representative of planters.

President : Also.

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Mr. E. P. Varghese: The planters represent the capitalists rather than the poor labourers. Though the trade unions' Bill is intended to affect them the employers unions too may be directly brought under this Bill. In the face of all these facts, I would request the House to support the amendment. When we are trying to confer certain rights and privileges, we should not restrict the right they already possess. They possess the right to combine. Sub-clause (2) of Clause 14 seeks to confer certain privileges and immunities only on registered trade unions. For that, the labourer has to put himself under certain restrictions. No pains no gains. Let us not take away what he possesses already. When there are registered societies, Government as well as employers will be inclined to give greater weight to registered societies. The labourer is a poor man. It is a very difficult task for him to combine. Half-a-dozen persons may combine and carry on a labour association. There are not many associations in our country. We know how they are carrying on.

Mr. Komilezhathu Sankaran: I wish to know from the member who under the present circumstances, obtaining in Travancore, actually leads the labourers.

Mr. E. P. Varghese: Those who know something about labour conditions.

Mr. Komilezhathu Sankaran: Are they not capitalists who lead them?

Mr. E. P. Varghese: Sometimes there is exploitation by the capitalists, and sometimes some labourers themselves are leading.

Mr. Komilezhathu Sankaran: In view of the existing circumstances, is it not advisable for the labourers to register themselves?

Mr. E. P. Varghese: They need not be prevented from registering. Only do not penalise them. Let them grow; let them advance; and let them learn how to work a trade union. And then, we can ask them to register themselves. You will find that there is a provision later on that only three-fourths of the managing body need be members of that particular trade. The remaining may be from outside. So, clever men can go into the union and lead them. If they have got confidence in those men, why not allow them to lead? No harm is done to the labourer. Labourers have in their meeting protested against this compulsory registration We do not find anybody supporting compulsory registration.

Mr. Komilezhathu Sankaran: May I know whether the member can cite the name of any labourer who presided over a labour meeting?

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Mr. E. P. Varghese: I have not myself attended any labour meeting.

Mr. M. N. Paramesvaran Pillai: Does not the right kind of capitalist lead the labourers?

Mr. E. P. Varghese: If the labourers have confidence in the capitalist, why not the capitalist lead them.

Mr Kayalam Paramesvaran Pillai: What is the guarantee that the labourer will find out the right kind of capitalist?

Mr. E. P. Varghese: Labourers here are much more educated than those in British India. Newspapers in Travancore are very cheap and every man is acquainted with the politics of this State. Under these circumstances, I am justified in thinking that the labourer knows what is right. I request the House to support my amendment.

Mr. Eric Hall: Sir, after working for nearly thirty years among labourers, I know the inside of their minds very well. I am sure the cooly class, the workers and the agriculturists, of whom we have about two lakhs, will appreciate the benefits of registration and will know that it is better to do things in a constitutional manner. I consider that, in the interests of the labourers, they should be compelled to register their unions. Only then will they know where they are. The exploitation of these illiterate classes by outsiders is nothing new. If a trade union is registered, there could be no exploitation. As the representatives of the capitalists class—as I am described to be—I consider that the labourer is my friend. It is my privilege to look after the labourer. I think all my planting friends will support me. I do not know the meaning of the word capitalist. It seems to me that it is a disgraceful word. I represent the planting community; they are not capitalists. Let those trade unions be registered, so that we will be able to look after the interests of the labourer, whose interests are really ours.

Mr. M. Govindan: Sir, Mr. Hall claimed that he represented the labourer because he is employing labour. I claim that I represent labour because I am working for the welfare of the Harijans—not that I am employing labour and trying to promote my interests. I want to promote their interests. Mr. Varghese pointed out that when the Government introduced the Bill just a year ago, they did not think it necessary at all to compel registration of trade unions. I am taking a quotation from the Statements of Objects and Reasons:

> "The legal position of trade unions which do not register whatever it is, will be unaffected by this measure. In other words, the measure purely permission."

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[Mr. M. Govindan.]

This was the idea of Government when they introduced the Bill. I ask whether within this short time there was such a mushroom growth of trade unions, and such facts observed in their conduct that compulsory registration was required. In the matter of voluntary association of labourers to look after their own interests, often times, the best judges are themselves. Even the poorest man knows his interest more than others—either the welfare worker or the employer. As Mr. Sankaran suggested by this question, there are learned men who preside over meetings and give very questionable advice at times. That may be true; but it cannot be denied that the labourer is the best judge of his own interest. Now, Sir, if this compulsory registration is introduced, it will certainly be felt as a handicap. The labourer does not know how to put in an application for registration. He has to depend upon somebody else. And then, several formalities are necessary. Therefore, let us allow them to develop spontaneously. Let us see how these organisations are working for some time. Allow them time. It is only now that the Travancore labourer has found that combination is good to him. No mentionable strikes which will bring any department of Government to checkmate their work has taken place. Why should we impose this restriction upon these infant trade unions, the number of which as I ascertained from the Law Member in confidence—I believe I am not violating the confidence—is only four.

For the sake of four associations formed in some part of Travancore, why should we make registration compulsory. I have come across such compulsory registration in the case of formation of tens of thousands of societies. Under these circumstances, to enact a special law for the sake of four societies or so, is too premature whatever may be the opinion of Mr. Eric Hall on the subject. To think of imposing compulsory registration in the case of those societies is a proposition that I cannot approve of. With all respect for the observations expressed here, my submission is that such a compulsion would kill the spirit of genuine and spontaneous growth of trade unions. Therefore, I have great pleasure in supporting the amendment.

Mr. Kayalam Parameswaran Pillai: Sir, I oppose the amendment. But, at the same time let me say that I am prepared to be converted by the debate on this motion. Mr. Govindan stated just now that we have only four associations at present and therefore it is premature to make registration compulsory. I should think that we have only four associations, is exactly one reason

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why we may make registration compulsory now. A trade combination is not a bad thing, I am prepared to say, but registered trade associations would be better. If there are about four associations now as was stated the compulsory registration provision will effect only these immediately ; and these bodies will tend to become very good organisations of respectable status that may be recognised and dealt with by Government, the public and the employers as known definite bodies. It may be stated with confidence that we have started on the road to an industrial era which we may reach in the near future, and very soon there will be labourers employed in increasingly larger numbers. The occasions will arise then for settling industrial disputes and discontent that may arise between the employer and the employees.

Mr. E. P. Varughese: Do not these conditions exist in larger measure in British India ?

Mr. Kayalam Paramesvaran Pillai: That is the reason why I say that even now we should begin with compulsory registration. The labourers now form a comparatively small but compact body. If there are unregistered trade unions, any person may come forward and say that he represents a particular group of labourers and perhaps these may be but pretenders.

Mr. G. Narayana Aiyar: May I know the number of labourers in Travancore ?

Mr. Kayalam Paramesvaran Pillai: Put it say at some fifty thousand, excluding of course the agricultural labourers.

Mr. S. Piraviperumal Pillai: Why is it that compulsory registration was not introduced when the Bill was first brought up for discussion ?

Mr. Kayalam Paramesvaran Pillai: The subject matter is one on which there is room for difference of opinion. The Government were not themselves prepared to bring in a measure to compulsorily register trade unions. But the Assembly introduced the provision in the Bill and we are just now dealing with a Bill as passed by the Assembly and in the Assembly the labour interests were specially represented. The present provision was introduced with the assent of the representative of labour interests.

Mr M. Govindan: May I know, how many represented the labour interests there ?

Mr. Kayalam Paramesvaran Pillai: One represented labour interests, and another capitalists' interests. Both of them were in favour of this provision The Government were quite disinterested in the matter. They only want to advance the cause of labour in every possible way without creating unnecessary

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[Mr. Kayalam Paramesvaran Pillai.]

resistances. It was considered advantageous not to give scope for this man or that man at random to come forward and say that he represents labour interests and that if all trade unions are registered there would be no scope for pretenders to come forward. That evidently was the idea of the Assembly. Government were not prepared to think that the Assembly was wrong.

Mr. S. Piraviperumal Pillai: Am I to take it therefore that, till the Government were made to do this by the representatives of the people, their idea was not to put in compulsory registration?

Mr. Kayalam Paramesvaran Pillai: Government at the outset thought that it would be enough to put it as a permissible measure as is done elsewhere. Even now I say that I am prepared to be converted by the debate. But I must oppose it now and I would say that it were far better that there were some definite tests by which the status of unions may be recognised by Government and the public. If there are only registered bodies, a pretender cannot come and say that he is working on behalf of labour, and so the fear of unnecessary complications can be avoided. It is only conducive to the interests of labour that nobody other than registered ones should be allowed to voice their cause. If there had already been many labour associations in existence, and if compulsory registration provisions were adopted, then, it may be apprehended to cause some hardship to them. But, it was stated that there are only some four associations or so at present and too the conditions of registration, are not at all onerous. The Government will certainly make it very easy for these and future associations to comply with the registration provisions.. Considering the smallness in the number of the existing associations. I would ask, why not we compel them to get registered at once? The only argument advanced in reply today was the theoretical right of every person to combine without any such artificial restrictions?

Mr. M. Govindan: What is the approximate fee for registration?

Mr. Kayalam Paramesvaran Pillai: It is not fixed yet and I am prepared to consider any suggestion that honourable members may make in this respect.

Mr. A. N. Visvanatha Pillai: Is there any penalty fixed in case an association is unwilling to register?

Mr. Kayalam Paramesvaran Pillai: No, unless the association wants to continue, to function. The Government would make the registration as easy as possible so that every body

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may come forward and register. The point is this, let us not allow interlopers to come and say that they represent labour. Let there be some recognised body to say that. As regards objection based on the theoretical right of every citizen to combine for any purpose, I would refer the house to the Companies Regulation for example which lays down that certain number of people cannot combine themselves unless they get registered.

Mr. E. P. Varghese: Was it not because it was considered to be a profit-making body?

Mr. Kayalam Paramesvaran Pillai: May be. But none-the-less, on theoretical considerations it may be asked, is it not the right of every body to continue to make a profit. It will be seen therefore that theoretical considerations cannot take us anywhere. The real question is whether this provision can be justified on public grounds? The theoretical right of every person to combine without any restriction, is but an academical argument. If I had heard, for instance an argument that the compulsary registration provision will hamper the growth of labour associations, I could very well understand it.

Mr. G. Narayana Aiyar: May I know whether the majority of labourers are literates or illiterates?

Mr. Kayalam Paramesvaran Pillai: Mr. Varughese stated that the labourers here are a set of thinking people. And I do not think he is quite wrong. I think that they are quite alive to their rights and they are able to combine in protection of their interests. If it be so, why not they register all their unions.

Mr. Komilezhathu Sankaran: How can a corporate body combine for the purpose of making profit?

Mr. Kayalam Paramesvaran Pillai: If they want to function as trade unions, they must get registered.

Mr. Komilezhathu Sankaran: How is registration possible without the members combining?

Mr. Kayalam Paramesvaran Pillai: They combine and get registered. As said already If there were anything to show that this provision would really hamper the progress of labour interests, I am prepared to take it away. But I did not hear anything of the kind as yet.

Mr. E. P. Varghese: May I know whether the Government would remain neutral in this matter?

Mr. Kayalam Paramesvaran Pillai: They will hear the debate and then decide.

Mr. Komilezhathu Sankaran: Clause 11 says, :—

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[Mr. Komilezhathu Sankaran.]

"Any person aggrieved by any refusal of the Registrar to register a trade union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to the High Court".

I wish to know how a trade union that is not registered can appeal to the High Court?

Mr. Kayalam Paramesvaran Pillai: Is it a criticism of the provision already passed?

Mr. Komilezhathu Sankaran: According to clause 14, sub-clause 2, no trade union shall be formed or shall function unless it is registered under the provisions of the Regulation, and according to clause 11, any person aggrieved may appeal to the High Court. In what capacity is the appeal to be preferred? Is it in the capacity of representative of a trade union?

Mr. Kayalam Paramesvaran Pillai: Any person aggrieved can appeal.

Mr. Komilezhathu Sankaran: Can any member of a trade union do it?

Mr. Kayalam Paramesvaran Pillai: Provided that there is already a trade union and that union is aggrieved.

Mr. S. Piraviperumal Pillai: Does the definition of tade union include the Government servants' association also?

Mr. Kayalam Paramesvaran Pillai: That will be decided when the question arises.

Mr. Varghese suggested that we can compel registration later on. He implies thereby perhaps that registration is good on the merits. If that is his view then I would point out that this is a better opportunity to put in compulsory registration provisions because there are not many labour associations as yet.

Mr. E. P. Varghese: Will not the expense to be incurred in connection with compulsory registration, be a handicap to the growth of trade unions? If unfortunately some of the unions functioning now are asked to pay a penalty of Rs. 500 will it not hamper the growth of further associations?

Mr. Kayalam Paramesvaran Pillai: For registration, they have only to pay a fee, which Government are prepared to put at a low figure.

Mr. E. P. Varghese: What is the danger in allowing trade unions to function without registration?

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Mr. Kayalam Paramesvaran Pillai: Registration will add to the status of the union and it will not be possible for any unauthorised person to pose himself as the mouth-piece of labour interests.

President: The discussion will be continued tomorrow Before adjourning, I may say that, judging from what I consider to be the attitude of the non-official members, a non-official day will be added on in the expectation that the official business will be over by a few hours in the morning.

The House will now adjourn and meet again tomorrow.

The Council adjourned at 4-30 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

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